IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5643 OF 2004
IN
CRIMINAL APPEAL NO. 804 OF 2004

Mohammed Shakir Nisar Ahmed. .. Applicant

Vs

State of Maharashtra. .. Respondent

Mr. A.S. Khandeparkar i/b Khandeparkar & Associates for the applicant.

Mr. D.S. Mhaispurkar, PP, for the respondent-State.

CORAM: S.B. MHASE &
ANOOP V. MOHTA, JJ.

DATED: 20TH DECEMBER, 2004

P.C.:

1. Heard Mr. Khandeparkar, counsel for the applicant.

2. The only point that is being brought for getting the bail is that on the date of the offence, the age of the applicant was 17 years and as the law then was standing, he was not a juvenile. However, the benefit is being claimed of the amended provisions of the Juvenile Justice Act, 2000 and it is argued that it is retro-active. In fact, the day on which the

applicant is put up to the trial, he was not a juvenile and already, the Apex Court has taken a view that in such case, the trial is to be in accordance with the Sessions Trial and not as a Juvenile Court. Except this, no other point was argued. This is a second bail application. The earlier bail application was withdrawn. That speaks thousands why it was withdrawn.

3. There is no merit in the Bail Application. The Bail Application is hereby rejected. Hearing of the Appeal is expedited. The learned counsel showed his willingness to submit the private Paper Book. Therefore, it is directed that within eight weeks, the applicant shall submit the private Paper Book to the Office. The Office shall examine the same in accordance with the Appellate Side Rules. Liberty to move thereafter.

[ANOOP V. MOHTA, J.] **[S.B. MHASE, J.]**

[srpasha@hc]